

### DISCUSSION OF THE CLAIMS

Claims 1-2, 4-6, and 8-19 are active in the present application. Claims 3 and 7 are canceled claims. Claims 8-15 are presently withdrawn from active prosecution. Independent Claims 1 and 5 are amended to recite species described in the previously presented claims, e.g., Claims 3 and 7. The dependent claims are amended in accordance with the amendment to Claims 1 and 5.

No new matter is added.

REMARKS

Applicants thank Examiner Cooney for the helpful and courteous discussion of June 3, 2010. During the discussion Applicants' U.S. representative explained that the examples of the as-filed disclosure are probative of the patentability of the present claims. It was discussed that the evidence showing unexpected results is probative not only for those species explicitly described in the examples but also for homologs and/or obvious variants thereof. The Examiner appeared to be in agreement that the examples of the as-filed disclosure are probative of the non-obviousness of certain species outside those species explicitly described in the original specification. In particular, it was discussed that homologs and/or obvious variants of the species exemplified in the as-filed disclosure would be expected to have similar unexpected results such as those shown for the exemplified species.

Independent Claims 1 and 5 are amended herein to recite particular species for components (A) and (B), and (A) and (C) for Claims 1 and 5, respectively. Applicants submit the examples of the original specification are probative of the non-obviousness of the subject matter of the present claims.

During the discussion of June 3, 2010, Applicants' U.S. representative requested that the Examiner kindly contact Applicants' representative should the Examiner determine that the examples of the as-filed disclosure are not probative of one or more of the species now recited in Claims 1 and 5.

Applicants explained in the Amendment filed on December 22, 2009 that Table 1 of the original specification demonstrates that certain catalyst compositions encompassed by the present claims provide substantially superior catalysis effects (see pages 9-11 of Applicants' December 22, 2009 Amendment). The Office appears to have acknowledged that the

examples of the as-filed disclosure demonstrate effects that may be characterized as “new or unexpected” (see the last paragraph on page 6 of the April 21, 2010 Office Action).

Applicants submit that the unexpected results pertaining to tetramethylammonium acetate are probative of the non-obviousness of the other quaternary ammonium salts of component (A) of present Claims 1 and 5. In particular the other species now recited in the claims are closely structurally related to the exemplified species.

The Office’s policy on homologs is well-explained in the MPEP, see for example, sections 2144.09 and 2144.08. Applicants submit that homologs of the tetramethylammonium acetate-containing compositions described in the as-filed disclosure and/or obvious variants thereof should likewise provide significantly improved catalysis effects in comparison to those catalyst compositions of, for example, Table 2 which do not adhere to the present claim limitations.

Likewise with respect to component (B) of Claim 1, i.e., a hydrophobic amine compound, Applicants submit that homologs and/or obvious variants of the N,N-dimethyldodecylamine exemplified in the examples of the as-filed disclosure should benefit from the probative effect of the examples of the original specification. For example, homologs of N,N-dimethyldodecylamine including structural relatives which differ by only a few carbon atoms in a hydrocarbon chain should be found allowable in view of the evidence for the N,N-dimethyldodecylamine-containing compositions exemplified in the as-filed disclosure.

The same logic applies to the probative effect of the examples corresponding to the subject matter of Claim 5, i.e., catalysis compositions containing a heterocyclic tertiary amine compound. Where the examples of the as-filed disclosure may demonstrate substantially improved catalysis performance with a particular material such as 1,2-dimethylimidazole,

Applicants submit that homologs and/or obvious variants of the compositions explicitly described in the original examples should likewise benefit from such probative evidence.

Applicants thus submit that the evidence of record is probative of the patentability of not only those compositions which include the particular species described in the as-filed disclosure, but is also probative of homologs and/or obvious variants and/or combinations thereof.

Applicants respectfully request the Office allow the presently pending active claims.

#### REQUEST FOR REJOINDER

Each of the presently withdrawn claims is directly or indirectly dependent from Claim 1 or Claim 5. Should the Office find allowable subject matter in Claims 1 and/or 5 Applicants respectfully request rejoinder and allowance of the presently withdrawn claims.

#### 35 U.S.C. § 112

The Office rejected Claims 17 and 19 for failing to comply with the written description requirement. The Office appears to be of the belief that the particular ranges recited in Claims 17 and 19 are not explicitly supported by the as-filed disclosure. Applicants submit that the particular weight ratios recited in Claims 17 and 19 are explicitly described in the original specification. For example, with regard to Claim 17, values such as “2.4” represent the actual amount of the particular component (A). This particular amount is obtained by taking into consideration the concentration of the component used in the examples. Component (A) corresponds with footnotes 4-6 on pages 28 and 32 of the specification. In each of the footnotes, it is made clear that the quaternary ammonium salt (A) is used as a 50% solution. For this reason, the value “4.8” of Example 6 in Table 1 on

page 28 of the specification provides explicit support for the value “2.4” which is recited in Claim 17 (i.e.,  $4.8 \text{ parts} \times 50\% = 2.4 \text{ parts}$ ). The same logic applies for each of the other components of Claims 17 and 19 which are described in the Tables and in subsequent pages in footnotes providing the concentration of the materials actually used in the examples.

Applicants thus submit that Claims 17 and 19 include subject matter sufficiently described in the as-filed disclosure for those of ordinary skill in the art to recognize that Applicants were in possession of the claimed subject matter at the time the application was filed.

For the reasons discussed above in detail, Applicants respectfully request withdrawal of the rejection and an indication of allowable subject matter.

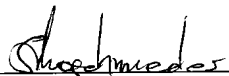
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)



Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Stefan U. Koschmieder, Ph.D.  
Registration No. 50,238